

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2015

CORAM

THE HONOURABLE Mr. JUSTICE T.S. SIVAGNANAM

W.P.No.24687 of 2013

and

M.P.No.1 of 2013

K.Ramachandran

... Petitioner

vs.

1.Union of India,
rep. by the General Manager,
Southern Railway,
Southern Railway Headquarters,
Park Town, Chennai-600 003.

2.The Senior Divisional Commercial Manager,
Office of the Divisional Railway Manager,
Southern Railway,
Commercial Branch, Park Town,
Chennai-600 003.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue Writ of Certiorarified Mandamus calling for the records in the order bearing No.M/C.300/Cycles/Policy dated 05.4.2013 passed by the second respondent and quash the same.

For Petitioner : Mr.L.Rajasekar

For Respondents : Mr.T.Ramkumar

ORDER

Heard Mr.L.Rajasekar, learned counsel appearing for the petitioner and Mr.T.Ramkumar, learned counsel appearing for the respondents.

2. The petitioner seeks for issuance of Writ of Certiorarified Mandamus to quash the order dated 05.4.2013 passed by the second respondent.

3. The petitioner was a contractor under the Railway Administration and he has been given a contract for running the cycle/scooter/car stand for parking the vehicles at the Railway Stations and the period of contract awarded to the petitioner is now over.

4. The order impugned in this Writ Petition is the order
<https://hcservices.ecourts.gov.in/hcservices/>

debaring the petitioner for a period of three years from participating in the tender and quotations for manning cycle/scooter/car and other light vehicle parking stands at the Railway Stations. In the order, seven allegations have been made against the petitioner. Several other allegations have also been set out in the counter-affidavit filed by the respondents in the Writ Petition.

5. It is seen that the effect of the impugned order is blacklisting the petitioner from participating in any tenders and quotations. Before the impugned order was passed, the petitioner should have been afforded an opportunity. Therefore, the procedure adopted by the respondents Railway Administration is not justified. However, taking note of the fact that the period of contract awarded to the petitioner is already over and it is stated that the Civil Suits filed by the petitioner were also dismissed and the respondents Railway Administration are taking steps to recover the licence fee from the petitioner, the petitioner is directed to treat the order impugned in the writ petition as show cause notice and submit his objection to the impugned proceedings dated 05.4.2013, within a period of two weeks from the date of receipt of copy of this order. Thereafter, the respondents shall conduct an enquiry, after affording opportunity of personal hearing to the petitioner and pass a reasoned order on merits and in accordance with law, within a period of three weeks, after the personal hearing is concluded.

6. The writ petition is disposed of, accordingly. No costs. Consequently, M.P.No.1 of 2013 is closed

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

bbr

To

1.The General Manager,
Southern Railway,
Southern Railway Headquarters,
Park Town, Chennai-600 003.

2.The Senior Divisional Commercial Manager,
O/o. The Divisional Railway Manager,
Southern Railway,
Commercial Branch, Park Town,
Chennai-600 003.

1 cc to Mr.L.Rajasekar ,Advocate, SR.No.5700

1 cc to Mr.P.T.Ramkumar ,Advocate, SR.No.5835

pa (co) pmk.21.2.2015

W.P.No.24687 of 2013